

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	No. 1:08-cr-29
)	
v.)	Judge Mattice
)	
ALVIE SHANE DANIEL)	

ORDER

Defendant has filed a Motion for Psychiatric or Psychological and Medical Examinations [Court Doc. 5]. The motion was referred to United States Magistrate Judge Susan K. Lee to conduct an evidentiary hearing and make a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). The magistrate judge has filed a report and recommendation [Court Doc. 22]. Neither party filed objections within the given ten days.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact and conclusions of law. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(C) and hereby **ORDERS** the following:

- (1) The defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d).
- (2) The Attorney General hospitalize the defendant for treatment in a suitable facility:
 - A. For a reasonable period of time not to exceed four (4) months as is deemed necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed, and

- B. For an additional reasonable period of time until:
1. Defendant's mental condition is so improved that the trial may proceed if the Court finds there is a substantial probability that within such an additional period of time she will attain the capacity to permit the trial to proceed, or
 2. The pending charges against defendant are disposed of according to law, whichever is earlier.
- (3) The defendant be transported by the United States Marshal Service to the designated facility and to notify the Court upon his return.
- (4) The Court's earlier ordered examination of the defendant pursuant to 18 U.S.C. § 4242, to determine the defendant's sanity at the time of the offense be addressed by the Bureau of Prisons psychological examiners after further treatment and assessment of defendant when his mental condition permits.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE